



08 JUN 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Edward F. Sherer
EXXONMOBIL CHEMICAL COMPANY
P.O. Box 2149
Baytown, TX 77522-2149

In re Application of :
VERDUIJN, Johannes P. *et al* :
Application No.: 09/744,705 :
PCT No.: PCT/GB99/02468 :
Int. Filing Date: 28 July 1999 :
Priority Date: 29 July 1998 :
Attorney Docket No.: 98M035A :
For: CRYSTALLINE MOLECULAR SIEVES :

DECISION

This is a decision on applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b)" filed via facsimile on 03 May 2004.

BACKGROUND

On 08 November 2001, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. Applicants were given two months to respond.

On 01 April 2003, the United States Designated/Elected Office mailed a Notification of Abandonment (Form PCT/DO/EO/909) in the above-captioned application because applicants failed to respond to the 08 November 2001 decision.

On 03 May 2004, applicants filed the subject petition via facsimile which was accompanied by, *inter alia*, an executed declaration, a \$1,500.00 petition fee and a \$130.00 surcharge fee.

DISCUSSION

A petition to revive an application on the grounds of unintentional delay pursuant to 37 CFR 1.137(b) must be accompanied by: (1) a proper reply; (2) the requisite petition fee; (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any required terminal disclaimer.

Accompanying the subject petition, applicants submitted a declaration executed by five of the six named inventors and the executrix of a deceased inventor, Johannes Verduijn. In the decision dated 08 November 2001, it was noted that 37 CFR 1.497(b)(2) states that the citizenship, residence, and mailing address of the legal representative must be recorded on the declaration and 37 CFR 1.497(a)(3) requires that the citizenship of each inventor must also be listed on the declaration.

In the declaration filed with the subject petition, Jannetje Maatje Van Den Berge, the executrix of the estate of Johannes Verduijn, signed for the deceased inventor. The citizenship, residence, and mailing address of the legal representative is recorded on the declaration as required. Moreover, the citizenship of each inventor (including the deceased inventor) is also listed on the declaration as required.

Accordingly, the declaration complies with 37 CFR 1.497(a) and (b) and is accepted under 37 CFR 1.42. This satisfies item (1) of 37 CFR 1.137(b).

The petition fee of \$1,500.00 and \$130.00 surcharge fee has been paid. Applicants state that "[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

DECISION

Applicants' petition under 37 CFR 1.137(b) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 28 July 1999, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 03 May 2005.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302